

From: Craig Merrill, MD <paceyemd@gmail.com>
Sent: Monday, October 10, 2016 6:33 PM
To: Ramona Hedges
Subject: Trilogy/Monarch Dunes Planning Commission Hearing Agenda Item for October 13
Attachments: Nipomo Key Wells Index.JPG

Dear Ms. Hedges:

Please forward this to the Planning Commission members, especially 4th district commissioner Jim Harrison.

I requested this to be moved but received no response back from either you or Mr. Johnson. I would ask this to be read during the hearing.

Thank you.

Honorable members of the San Luis Obispo County Planning Commission:

As the nominal appellant for the item before you regarding the Trilogy/Monarch Dunes phase 2A CUP appeal, I would like to ask your assistance in reading this either during the hearing on October 13 or at least before the hearing as a response to both the Shea Homes developers and to our own county planning department. I will not be able to attend in person as my father just passed away this past week and I am out of town with family for his funeral. I applied to Jay Johnson (county planning) and to Ramona Hedges (to interface with the commission) in order to move this item to the next meeting but they have thus far refused to even reply to this request. I will therefore apologize to you for not being present myself ask you to please consider the following points. We may have another neighbor who will read this in my stead.

I represent the views of hundreds of property owners and residents both surrounding and within the Trilogy/Monarch Dunes development. These views are also shared (we have hundreds of emails from throughout Nipomo) by other Nipomo residents who are also effected by the significant drought and drop in groundwater levels throughout the Nipomo basin.

Although the strictly interpreted nature of this appeal is a disagreement with the idea that a single county employee (Director Bergman) can change the land use and scope of the majority of the acreage of a project like this without requiring any public hearing or even any notice with just his signature, we are really appealing to the commissions' sense right and wrong as well as your responsibility to protect the water resources of those who are already residents of Nipomo.

The CUP for phase 2A of this project was passed by you in January without any significant discussion of the water ramifications to the surrounding Nipomo mesa neighbors. Part of the

reason for this was that this was presumably a time of hopeful optimism with the rain that was to come in the form of a predicted El Nino year. Another reason was that the developers selectively used a water neutral presentation relying on state supplemental water from Santa Maria that the water agencies in Nipomo were, many years ago, court-ordered to secure to alleviate the overpumping that was already taking place. Since the time of that court order, much has changed, including hundreds of new homes in the Trilogy/Monarch Dunes subdivision drawing on limited and ever plunging groundwater supplies. See the table below. The key wells index shows an ever increasing overpumping of Nipomo mesa water with levels now below severe. This does not point to a stabilizing of groundwater availability, and the supplemental water is needed just to stabilize the overpumping, not to rationalize 240 new homes in this subdivision and more to come when the developers come back to you for phase 2B.

Since your approval in January, we have continued in a severe drought situation as the hoped-for rains did not materialize and water levels have continued to fall. Several months ago, the Nipomo Mesa Management Area technical group declared a stage 4 severe drought. The other local water agencies responsible to the public and who control letters of intent to serve for any building projects (i.e. the Nipomo Community Services District) have stopped issuing any intent to serve letters and will likely, in January, further stop any current projects in the pipeline as the drought worsens.

And yet Shea Homes has not only continued to build out their project with scores of new homes in phases 1A and B, but they have installed a large vineyard in an area where responsible management should have placed drought tolerant landscaping. And now they want to build 240 homes and install a massive vineyard over most of the acreage of phase 2A even though all other building in the Nipomo area has stopped. Their claim that the state supplemental water is what allows them to do this is a sham and a shell game. First, they have not even hooked up to the pipeline to receive that water. Second, they are pumping thousands of gallons of water from a new well on top of the property every day to spray for dust abatement rather than truck in water with the claim that this well is non potable even though just a few hundred feet away there are neighbors using their own wells that are potable and theirs are beginning to run dry. One had this happen last week.

We wish to rebut the County planning staff report from Mr. Johnson. He and his director naturally disagree with our comments regarding water, indicating that sufficient water was shown to be present. This statement, however, is the very issue we have. That report was from 1998 certifying a 20 year groundwater supply for the project. In case you have not looked, this expires next year, and yet the county and the developers want us to simply go with that initial report. It does not take a hydrologist to see in the attached graph that conditions have significantly changed and deteriorated since the CUP for the Woodlands project was issued in 2002.

Last week the County Board of Supervisors voted down a much smaller proposal for 101 homes nearby at the Lateatia Winery. Supervisor Compton voted against the project, stating that she could not vote for it because there was just not enough water. Please tell us how there is enough water for 240 plus homes, when the state supplemental water was meant to stabilize the current overpumping?

We also wish to point out to the commission the deplorable way in which the local property owners have been treated by the developers. Those residents along the phase 2A border on Banneker and Amador were told and it was listed in the specific plan that the trees that have bordered those lanes would stay and serve as a buffer. The developers rightly changed the name of the development from the Woodlands to Trilogy since there is hardly any area left that could be construed as wooded, and they have just removed most of the border trees along Banneker and Amador, leaving the homes there completely exposed to the earthmovers and dust during the grading process, and exposed to the homes that are being built now just feet away from their properties. We would invite you to look for yourself. There was no care or consideration of the preexisting neighbors and the promised tree border.

We would like to call your attention to the responsible way in which local water agencies are handling the drought by stopping all new development and likely to stop even current construction in the next few months. These water agencies are responsible to the public and have the public good in mind. The Woodlands Mutual Water Company, on the other hand, is controlled with the majority of shares owned by the developers and they inexplicably feel that, unlike the rest of the Nipomo mesa, they have water abundance that entitles them not just to build a few more houses but rather hundreds of more houses and plant a massive vineyard! The conflict of interest here is evident to even the casual observer. It is indefensible to build on this scale and install a vineyard with it during this water crisis.

We would also call your attention to the plight of all of the residents on properties surrounding the phase 2A development. Every one of them is on a well and it would be prohibitively expensive to connect to the NCS D pipes due to distance and infrastructure. So when their wells go dry from adjacent overpumping or unusable due to seawater intrusion, they will be significantly damaged financially while the developers leave town with their pockets figuratively full. The Trilogy residents are also hurt by this overpumping and future seawater intrusion. When Shea Homes leaves town, they will turn over the rest of the Woodlands Mutual Water Company to local residents and even though they will have some recourse to state water in a pipeline connection that the residents outside the project will not have, they will still be left with the need to pump from the depleting groundwater for most of their water which, as mentioned, is already severely overpumped from the existing homes, let alone 240 plus more homes.

The developers will try to spin this, of course, but there is no denying that we are already overpumping and we are in a severe drought. There is no denying that their water availability study dates to 1998 and is obsolete. There is no denying that all other water management agencies have stopped development to protect the public and that there is an egregious conflict of interest in having a water agency (Woodlands Mutual Water Company) controlled by the developers dictating that everyone else must be wrong and that they should be allowed continue development during a stage 4 drought.

We call upon you, our representatives, to protect the current residents of the Nipomo mesa, including the current residents of the Trilogy subdivision, by doing your utmost to stop this irresponsible development. A very reasonable request would be to deny this change sought by

the developers to put in a large vineyard and also find a way to deny future building permits at this time due to the severe drought. It is entirely reasonable to require that the developers obtain another 20 year water availability certification from an independent source now that their current one will run out next year. It is also very reasonable to ask that the developers plant large, mature trees along the border of Banneker and Amador to take the place of the trees they have removed and restore some of the promised privacy border. They should also be required to pave Viva Way, as they promised to do, to cut down on the dust being produced by their vehicles and increased traffic engendered by their every growing project. And finally, to require the developers to seed over the denuded land they deforested by plunging ahead with clearing during a time of drought. This would keep down the erosion and dust until the water situation improves enough to re look at this development

Even if your legal counsel implies that you do not have authority to stop the building permits, we believe you can find a way publicly censure the developers and stop or hinder this inappropriately timed drain on a scarce resource.

We are not against development, even this one, but we are against irresponsible development at a time of severe drought when our public commissions and boards should be protecting the residents who already live here.

Thank you for your attention

Sincerely

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Craig Merrill
Nipomo, CA